CITY OF CHULA VISTA Development Services Department

**ZONING ADMINISTRATOR**
**NOTICE OF DECISION**

NOTICE IS HEREBY GIVEN THAT THE ZONING ADMINISTRATOR FOR THE CITY OF CHULA VISTA considered a Conditional Use Permit ("CUP") application for a wireless telecommunication facility as described below:

| | |
|---|---|
| **Date:** | **August 21, 2025** |
| **Applicant:** | **MD7 for AT&T Wireless** |
| **Project Number:** | **CUP24-0023** |
| **Project Location:** | **70 Broadway (APN: 565-060-04)** |
| **Project Planner:** | **Robert Narvaez, AICP** |

The Applicant requests approval of a CUP for a wireless telecommunication facility on an approximately 0.43-acre site owned by Ajay Sarolia & Jyoti R Patel Living Trust ("Property Owner"). The property is zoned C-3 (Broadway North), a subdistrict of the Urban Core Specific Plan ("UCSP") area, and has a General Plan land use designation of Mixed Use Residential (MUR).

The project will require installation of a new 9-foot 8-inch high wireless facility on the rooftop of an existing hotel with associated mechanical equipment to be located inside the hotel. The proposed facility consists of six (6) panel antennas, two (2) air antennas, for a total of eight antennas. The rooftop-mounted antennas will be screened and painted to match their surroundings pursuant to the stealth requirements as prescribed in Chula Vista Municipal Code ("CVMC") 19.89 (Wireless Telecommunications Facilities).

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act ("CEQA") and determined that the project qualifies for a Class 3 categorical exemption pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines. No further environmental review is required.

HOUSING IMPACT

Neither the subject property nor any portion thereof was identified in the General Plan's Housing Element to accommodate a portion of the City's allocation toward addressing regional housing needs.

The Zoning Administrator, under the provisions of CVMC 19.14.030(A), makes the following findings:

***That the proposed use at this location is necessary or desirable and will contribute to the general well-being of the neighborhood or the community.***

The use will continue to provide public convenience by providing essential communication and increased wireless service in the area. It will not interfere with any existing activities or conveniences of the public as it is located atop an existing hotel and will contribute to the general well-being of the community by ensuring uninterrupted cellular service for the nearby communities.

***That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.***

The permit will ensure continued access to clear and reliable wireless communications, which can continue to function in the event of an emergency or natural disaster and may help to enhance the general health, safety, and welfare of the citizens of Chula Vista.

***That the proposed use will comply with the regulations and conditions specified in the code for such use.***

This CUP requires the Applicant and Property Owner to fulfill conditions and comply with all applicable regulations and standards specified in the City's Wireless Telecommunications Facilities Ordinance (CVMC 19.89) for such use. The use is required to be built in compliance with the City's Wireless Telecommunications Facilities Ordinance development criteria and all other City zoning and building regulations. The conditions of this permit are in approximate proportion to the nature and extent of the impacts created by the use in that the conditions imposed are directly related to the size and impacts of the use.

***That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.***

The integration of cellular facilities with existing uses helps to achieve General Plan Objective 24.2, which encourages siting and design techniques that minimize community impacts, such as using architectural features or details that blend with the surrounding area.

**The following ongoing conditions shall apply to the Project as long as it relies upon this approval:**

1. The Applicant shall maintain the Project in accordance with the approved plans for CUP24-0023, approved August 21, 2025, which include a site plan and architectural elevations on file in the Planning Division, the conditions contained herein, and UCSP and Title 19 of the CVMC.

2. Approval of this request shall not waive compliance with all sections of UCSP and Title 19 of the CVMC and all other applicable City ordinances in effect at the time of building permit issuance.

3. The Applicant shall execute this CUP as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.

4. The Applicant shall cooperate with telecommunications companies in co-locating additional antennas on the subject property, provided said co-locators have received a CUP for such use at said site from the City. The Applicant shall exercise good faith in co-locating with other communications companies and sharing the permitted site, provided such shared use does not give rise to a substantial technical-level or quality-of-service impairment of the permitted use (as opposed to a competitive conflict or financial burden). In the event a dispute arises as to whether the Applicant has exercised good faith in accommodating other users, the City may require a third-party technical study at the expense of the Applicant.

5. Within 90 days of cessation of the business operations and use of the antennas, the Applicant shall submit a substitute user to the satisfaction of the Director of Development Services and/or remove the Project and all associated equipment from the Project Site. If the facility is removed, the Applicant shall restore the Project Site to its original condition. Any changes to this CUP shall require a modification to be reviewed by the Zoning Administrator.

6. The Property Owner and Applicant shall and do agree to indemnify, protect, defend, and hold harmless the City, its City Council members, officers, employees, and representatives from and against any and all liabilities, losses, damages, demands, claims, and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) the City's approval and issuance of this permit and (b) the City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this permit where indicated below. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.

7. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.

8. If any of the foregoing conditions fail to be met, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; institute and prosecute litigation to compel their compliance with said conditions; or seek damages for their violation. The Applicant or a successor in interest gains no vested rights by the City's approval of this CUP.

9. This permit may be reviewed 10 years from the date of approval (August 21, 2035), at which time the Zoning Administrator may review this use for compliance with the conditions of approval and applicable codes and regulations and may determine, in consultation with the Applicant, whether the Project shall be modified from its original approval or revoked, or whether another review shall be necessary for the Project. If such review is required, the Zoning Administrator shall determine the timeline for review.

10. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood, and agreed to the conditions contained herein and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the Project and corresponding application for building/grading permits and/or business license be held in abeyance without approval.

Xavier Johnson
MD7 for AT&T Wireless,
Xavier Johnson (Applicant)

08/26/2025
Date

Ajay Saglia
Ajay Saglia & Jyoti R Patel Living Trust
(Property Owner)

9/8/2025
Date

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 21st day of August 2025.

D. Todd Phillips, Ed.D.
Zoning Administrator

Scanned with CamScanner